IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5475 OF 2004
IN
CRIMINAL APPEAL NO.381 OF 2003

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders

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Mr.P.S.Hingorani for the applicant/ State.

Mr.Prashant P.Kulkarni for Respondent nos.1 & 2.

Coram : R.S.Mohite,J

Date : 19th January, 2006.

PC

1. This is an application for condonation of 19 days delay in filing of the appeal. Heard both sides. For the reasons which are mentioned in the application and which are accepted, delay is condoned. Application stands disposed of.

(R.S.Mohite,J)

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PC

1. This is an appeal against acquittal filed by the State impugning an judgment and order passed by the JMFC, Ichalkaranji, on 30.10.2002, acquitting the accused persons for offences under Sections 457 & 380 r/w 34 of IPC. On perusal of the impugned judgment and order it is seen that the same has been passed for cogent and acceptable reasons. Both the accused are ladies. They are said to have been caught carried 11 tagas of dhotis. The original complainant however, did not

produce any documentary evidence to show that he was the owner of the articles which were caught. PW-5 Saraj Patil who was a panch witness stated that the police seized the material in her presence. In a cross-examination, she admitted that she was acquainted with the police and that there was discussion between her and the police for 15 to 20 minutes. It is indicated that they required 10 minutes to reach the spot of incident i.e. 6.30 A.M. Panchanama was started between 6.10 A.M. to 7.00 A.M. There was no material to show that the lock was broken by the 2 ladies. Hence, leave is refused and consequently, appeal stands dismissed.

(R.S.Mohite,J)